

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

Draft Technical Staff Report

**Evidence in support of an
Amendment to the
*Water Quality Control Plan for the Coastal Watersheds
of Los Angeles and Ventura Counties***

**to Prohibit On-site Wastewater Disposal Systems
in the Malibu Civic Center Area**

**Technical Memorandum #1:
*Dischargers Have Poor Records of Compliance with Regional Board
Orders***

**by
Rebecca Chou,* Ph.D., P.E.
Chief, Groundwater Permitting Unit**

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1. Background

Without community sewers and wastewater treatment facilities and infrastructure, dischargers in the Malibu Civic Center study area use on-site disposal systems for discharge of wastewaters from residential, commercial, and other facilities.

The Regional Water Quality Control Board for the Los Angeles Region (Regional Board) and City of Malibu share oversight for discharges of wastewater in the City of Malibu, including the Civic Center area.¹ Pursuant to a memorandum of understanding (MOU) dated August 12, 2004, the Regional Board regulates discharges from commercial land use activities (including discharges from industrial, research, and public facilities) that have wastewater flows that exceed 2,000 gallons per day (gpd), by issuing Orders that specify waste discharge requirements (WDRs) for the privilege of discharging waste to waters of the State. Also pursuant to this MOU, the City regulates discharges from small commercial facilities with wastewater flows equal to or less than 2,000 gpd and from residential land uses.

2. Purpose and Methodology

The purpose of this memorandum is to provide an analysis of compliance with Orders issued by the Regional Board. (Compliance information for dischargers under oversight by the City of Malibu was not available.)

To conduct the analysis, staff, including a team of college-level and graduate-school-level interns, reviewed 224 reports of self-monitoring submitted during the period starting with the fourth quarter 2004 through the fourth quarter 2008. Dischargers who submitted reports of self-monitoring include government organizations (state, county, and special districts) and privately-owned organizations (commercial and industrial organizations) listed in the following Tables 1 and 2.

¹ In 1952, when the Regional Water Quality Control Board for the Los Angeles Region (Regional Board) delegated authority for permitting septic systems to local land use agencies, the County of Los Angeles assumed responsibility for oversight of septic systems incorporated areas, including the area that subsequently incorporated as the City of Malibu in 1991. In the early 2000s, during re-assessments by all nine Regional Boards of permitting authorities delegated to local agencies, the Regional Board chose not to renew delegation (i.e. waivers of requirements to submit a Report of Waste Discharge) of permitting authority to local agencies. Rather, the Regional Board adopted a strategy of entering into Memoranda of Understanding (MOUs) with each municipality in the Los Angeles Region.

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Table 1 - Permitted Discharges from the Public Sector

Discharger	Facility	Start of Permitted Discharge	# Reports Analyzed	
			Quarterly	Annual
California Department of Parks and Recreations	Malibu Pier State Park	9/26/2002	15	3
Los Angeles County Department of Public Works (LA DPW)	Malibu Administrative Center	10/8/2002	17	5
LA DPW	Fire Station No. 88	8/19/2003	17	5
LA DPW	Surfrider Beach	2/25/2003	17	5
LA DPW	Road Maintenance Yard 336	10/25/2002	17	4
LA DPW	Malibu Water Pollution Control Plant (Winter Canyon)	11/2/1998	17	5

Table 2 - Permitted Discharges from the Private Sector

Discharger	Facility	Start of Permitted Discharge	# Reports Analyzed	
			Quarterly	Annual
HRL	Hughes Research Lab	1/26/1998	17	4
Malibu Beach Inn	Malibu Beach Inn	3/13/2003	16	3
Malibu Bay Company	Malibu Colony Plaza	12/7/2000	17	2
Malibu Country Mart Limited	Malibu Country Mart I	1/30/2003	17	0
Malibu Cross Creek, LTD	Malibu Country Mart II	1/30/2003	17	0
Malibu Country Mart Limited	Malibu Country Mart III	12/12/2002	17	0
Malibu Creek Preservation	Malibu Creek Plaza Shopping Center	1/11/2001	17	5
City of Malibu and Malibu Lumber LLC ²	Malibu Lumber	April 2009 ³	1	NA
Dave Whitehead	Malibu Shores Motel	12/19/2003	16	4
Morton Gerson	23730 Malibu Road	3/24/2003	16	1
Prudential Malibu Realty	Prudential Malibu Realty	8/28/2002	17	5

² Although the City owns the land on which the Malibu Lumber development is sited, this discharger is grouped with private sector instead of public sector.

³ A discharge from Malibu Lumber did not start until April 2009.

Three permitted dischargers, listed in Table 3, failed to submit any reports of self-monitoring as of April 2009. Although staff identified these cases of ‘failure to submit’ violations, staff was unable analyze compliance by these dischargers with technical requirements in their WDRs.

Table 3 – Permitted Dischargers from Private Sector-Failure to Submit Reports

Discharger	Start of Permitted Discharge	# Delinquent Reports	
		Quarterly	Annual
Jack in the Box # 160	1/23/2004	20	5
Miramar Building ⁴	3/18/2004	19	5
Serra Retreat Center	4/28/2004	19	5

3. Results

Each one of the 20 dischargers under Orders issued by the Regional Board has a record of violations, summarized in Table 4. Among the most serious violations are repeated failures to achieve effluent limits specified in WDRs; in particular, limits for pathogens and nutrients (species of nitrogen and phosphorus) that are identified as pollutants in nearby waters that the Regional Board and EPA have designated as impaired.

Among the minor violations included in Table 4 is tardy submittal of reports of self-monitoring required by the WDRs, and improper certifications of those monitoring reports – e.g. a perjury statement executed by a party not authorized to certify the accuracy of the results on behalf of the discharger, and/or modifications to the perjury statement language specified in a WDR.

4. Conclusion

Permitted and unpermitted facilities are shown in Figure 1. Permitted dischargers of wastewaters with wastewater flows of more than 2,000 gpd in the Malibu Civic Center area – including both public and private organizations – have poor records of compliance with Regional Board Orders.

The compliance status for dischargers under oversight by the City of Malibu, including small commercial dischargers and residential dischargers, has not been analyzed.

⁴ Although the Miramar Investment Company is landlord to offices occupied by the City of Malibu, staff has included this discharger with the commercial group of dischargers.

Table 4 - Summary of Violations

Facility	TSO	Non Submittal	Late Submittal	Discharge Violations	Perjury Statement	Material Change	Total Violation Counts
Fire Station No. 88*				77	1	1	79
HRL Laboratories		3	2		1		6
Jack In The Box		25					25
Malibu Administrative Center*				44	1	1	46
Malibu Colony Plaza	2	3	9	46	1	1	62
Malibu Beach Inn	2	3		37	1		43
Malibu Country Mart I	1	5	13	133	1		153
Malibu Country Mart II	1	5	14	133	1		154
Malibu Country Mart III	1	5	13	133	1		153
Malibu Lumber				18	1	1	20
Malibu Pier State Park*		4	7	1	1	1	14
Malibu Shores Motel		2	9	13	1	1	26
Malibu Creek Plaza Shopping Center	1		3	38			42
Malibu Water Pollution Control Plant*			9	635**			644
Miramar Investment Co.		24					24
Morton Gerson Property		5	16	2			23
Prudential Malibu Realty		4					4
LA County Public Works Road Maintenance Yard*		1	123		1	1	126
Serra Retreat Center		24					24
Surfrider Beach*			4	3	1		8

*Public Sector

** including not reported parameters

Figure 1: Commercial Facilities within Malibu Civic Center Area

